

**United States Department of the Interior
Bureau of Land Management**

Decision Record

**Categorical Exclusion Not Established by Statute
DOI-BLM-UT-010-2016-0012-CX**

Lake Mountains Protective Fence Extension

May 2016

Location: Township 7 South, Range 1 West, SLM, Section 24 NW¼, Utah County, Utah

Applicant/Address: Not Applicable

Salt Lake Field Office
2370 South Decker Lake Boulevard
West Valley City, Utah 84119
Phone: (801) 977.4300
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Salt Lake Field Office



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Based on my review of the Lake Mountains Protective Fence Extension categorical exclusion (CX) (DOI-BLM-UT-W010-2016-0012-CX) and consideration of field office staff recommendations, I have determined that the proposal to extend the existing 4-strand barbed wire fence by approximately ½ mile to protect historic properties and install 13 signs is in conformance with the Pony Express Resource Management Plan (RMP, January 1990) and is categorically excluded from further environmental analysis.

Specifically, it is my decision to extend the existing fence for approximately ¼ mile on each end two-track road that generally follows the existing single pole power line. The fenceline will include E-Z panel braces. The Salt Lake Field Office and professional archaeologists will conduct monitoring of the historic properties and study the effectiveness of the protection fence.

The 4-strands of barbed wire fenceline extension will be approximately 2,640 feet long by 0.5 foot wide by 42 inches high (surface area of 1,320 square feet or 0.03 acre). The standard wire configuration will be at 14 inches, 20 inches and 42 inches from the ground surface. 5-7 foot high “t-posts” will be used at regular intervals. The fence will be constructed along the west edge of the pole-line road at a straight line with periodic E-Z panels to make slight turns. The fenceline will not include gates.

Approximately ten (10) signs will be installed that depict historic properties protection messages. Similarly, approximately three (3) signs will be installed that present a “no parking here” message. These signs will be posted onto “c” channel posts.

The “c” channel posts are approximately 7 feet long and 3 inches wide. These posts are pounded into place. After placement, each post is approximately 6 feet tall. Signs will be secured onto a channel post with nuts and bolts. Each channel post could disturb an area that is 3 inch wide by 1 foot deep (13 holes x 3 inches = 39 square inches or 0.27 square feet surface area). The channel posts will be placed throughout the project area in frequently used locations.

Vehicles used in construction or maintenance activity will not block public access or use along the pole-line road. If members of the public are engaged in the activity at the time of construction, they will be asked to voluntarily leave the area. Their vehicles or equipment will need to be removed so that they are not found on the opposite side of the fence to the location of the pole-line road.

BLM personnel and/or volunteer labor will be used construct the fence. The SLFO and professional archaeologists will conduct monitoring of the historic properties and study the effectiveness of the protection fence. The SLFO will conduct all future fence maintenance activities.

The following protective measures will be applied:

A qualified cultural monitor will be on site during construction/installation activities to ensure that historic properties are avoided and not impacted.

Trash and debris located within the 5 shooting area “allies” will be cleaned up and disposed of in an appropriate landfill.

Trash and debris generated by construction activity will be retrieved and disposed of in an appropriate landfill.

Weed control will follow the annual weed control plan under the standard operating procedures as outlined in the pesticide use plan.

No Parking signs will be placed along the fence line to discourage parking along this portion of the power line access road.

Wildlife specific protective measures include:

Construction and maintenance staff or volunteers will be instructed not to harass or disturb wildlife.

If construction, maintenance or reclamation activities occur within the migratory bird breeding seasons (raptors: January 1 to August 31 and Neotropical migrant birds: March 1 to July 15), migratory bird surveys should occur within 0.5 mile radius of the Project Area no more than 7-10 days prior to project initiation/reclamation.

- If no migratory birds are found nesting in the Project Area, then project activities may proceed as planned.
- If migratory birds are present and nesting in the Project Area, the following measures must be incorporated during the project construction phase:
 - i. Neotropical bird nests will be flagged and avoided by 100 feet from March 1 to July 15 or until birds have fledged.
 - ii. If occupied, raptor nests will be avoided by the spatial and temporal buffers specified in the Utah U.S. Fish and Wildlife Utah Field Office’s Guidelines for Raptor Protection From Human and Land Use Disturbances (Romin and Muck 2002) or until birds have fledged.
- If nests cannot be avoided or if take as defined by the Migratory Bird Treaty Act, and Bald and Golden Eagle Protection Act for the golden eagle, is likely to occur, the project proponent must contact the U.S. Fish and Wildlife Service’s Utah Field Office (801.975.3330) or the Migratory Bird Permit Office (303.236.8171) for guidance on appropriate avoidance, minimization, and mitigation measures. Any exceptions to this requirement must have prior written approval from the authorized officer.

Access to the construction site will be limited to the north side, as indicated on the map attached.

Construction of the fenceline will start from the north end and proceed south.

Using the southern access road will be limited and traveling along the road directly under the raptor nest will be avoided by construction crews. These areas are illustrated on the attached wildlife map.

Construction activities would be limited to the time period between two hours after sunrise and two hours before sunset to reduce disturbance to birds during their foraging time.

Noise from the constructions should be minimized.

Plan Conformance and Consistency: The proposed action is in conformance with the Record of Decision (ROD) for the Pony Express RMP, as amended, even though it is not specifically provided for, because it is consistent with the following RMP decisions and objectives:

- Recreation Program Decision 1 (page 40) manages the area as an extensive recreation management area (ERMA).
- Recreation Program Decision 2 (page 41) designates off road vehicle use categories
- Cultural Resources Decision 1 (page 49) provides for inventory, attaching stipulations, and consultation under NHPA.
- Cultural Resources Decision 5 (page 50) educates the public on the values of preserving cultural heritage.

Rationale for Decision: This CX is appropriate in this situation because there are no extraordinary circumstances potentially having effects that may significantly affect the environment. The proposed action has been reviewed and none of the extraordinary circumstances described in 43 CFR Part 46.215 apply. The Categorical Exclusion Not Established by Statute, Lake Mountains Protective Fence Extension categorical exclusion (CX) (DOI-BLM-UT-W010-2016-0012-CX) documents the extraordinary circumstances review conducted by the Salt Lake Field Office.

This project was posted to the NEPA Register on 4/26/2016. Concerns or comments from the public were not brought to the Salt Lake Field Office's attention.

The project will not have highly uncertain and potentially significant environmental effects nor involve unique or unknown environmental risks. Installing informational signs and providing safe pullouts routine action on the public lands.

Appeal Language: The decision may be appealed to the Interior Board of Land Appeals (IBLA), Office of the Secretary, in accordance with the regulations contained in 43 CFR Part 4. Public notification of this decision will be considered to have occurred on the date signed below. Within 30 days of this decision, a notice of appeal must be filed in the office of the authorized officer at the Bureau of Land Management, Salt Lake Field Office, 2370 South Decker Lake Boulevard, West Valley City, UT 84119.

If a statement of reasons for the appeal is not included with the notice, it must be filed with the Interior Board of Land Appeals, Office of Hearings and Appeals, U.S. Department of the Interior, 801 North Quincy St., Suite 300, Arlington, VA 22203 within 30 days after the notice of appeal is filed with the authorized officer. Instructions for filing an appeal are contained on the attached Form 1842-1.

If you wish to file a petition for stay pursuant to 43 CFR Part 4.21(b), the petition for stay should accompany your notice of appeal and shall show sufficient justification based on the following standards:

1. The relative harm to the parties if the stay is granted or denied,
2. The likelihood of the appellant's success on the merits,
3. The likelihood of irreparable harm to the appellant or resources if the stay is not granted, and
4. Whether the public interest favors granting the stay.

If a petition for stay is submitted with the notice of appeal, a copy of the notice of appeal and petition for stay must be served on each party named in the decision from which the appeal is taken, and with the IBLA at the same time it is filed with the Authorized Officer.

A copy of the notice of appeal, any statement of reasons and all pertinent documents must be served on each adverse party named in the decision from which the appeal is taken and on the Office of the Regional Solicitor, U.S. Department of the Interior, 125 South State Street, Suite 6201, Salt Lake City, Utah 84138, not later than 15 days after filing the document with the Authorized Officer and/or IBLA.

/s/ Michael Nelson

Salt Lake Field Office Manager

5/11/2016

Date

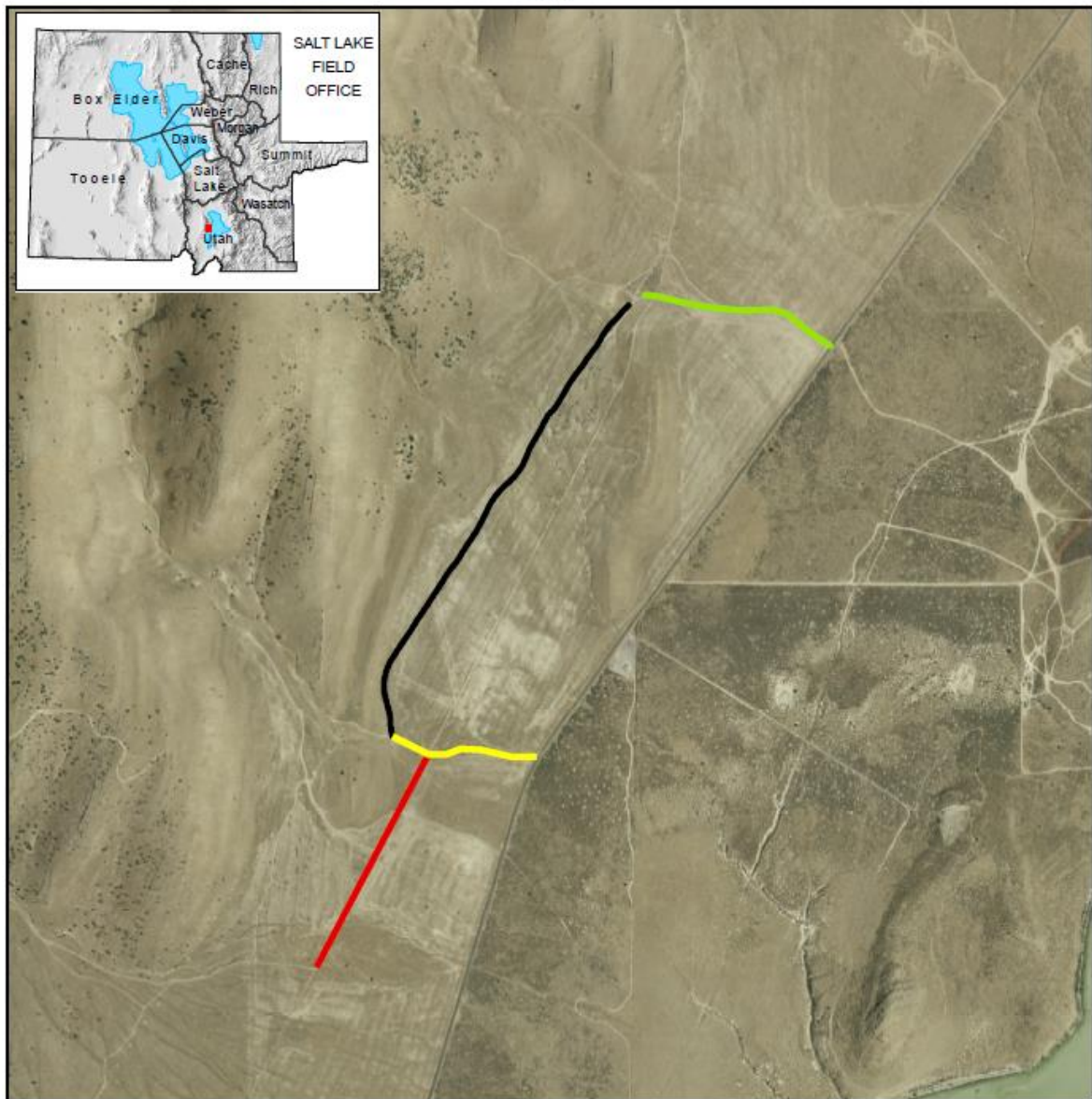
Attachment:

Map

Appeal Form 1842-1

BUREAU OF LAND MANAGEMENT
WEST DESERT DISTRICT

Lake Mountains Protective Fence Extension *Protective Measures for Wildlife* R 1 W



T 7 S

- Road Access**
- Major Access
 - Limit Access
 - No Access
 - Proposed Fence Extension (2016)
- Land Status**
- Bureau of Land Management
 - Private
 - State



May 10, 2016

No warranty is made by the Bureau of Land Management as to the accuracy, reliability, or completeness of these data for individual use or aggregate use with other data.

